

Exhibit 1

9 -AND-
10 GOOGLE LLC,
11 Plaintiff,
12 vs. Case No. 3:20-CV-06754-WHA
13 SONOS, INC.,
14 Defendant.

15 **ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL**
16 **ATTORNEYS EYES ONLY - SOURCE CODE**
17
18 ZOOM DEPOSITION OF GOOGLE's 30(b)(6) & 30(b)(1)
19 KENNETH J. MACKAY
20 (Reported Remotely via Video & Web Videoconference)
21 Sunnyvale, California (Deponent's location)
22 Tuesday, May 10, 2022
23 STENOGRAPHICALLY REPORTED BY:
24 REBECCA L. ROMANO, RPR, CSR, CCR
25 California CSR No. 12546
26 Nevada CCR No. 827
27 Oregon CSR No. 20-0466
28 Washington CCR No. 3491
29 JOB NO. 5229656
30 PAGES 1 - 288

9 -AND-

10 GOOGLE LLC,

11 Plaintiff,

12 vs. Case No. 3:20-CV-06754-WHA

13 SONOS, INC.,

14 Defendant.

15
16 DEPOSITION OF KENNETH J. MACKAY, taken on
17 behalf of the Sonos, Inc., with the deponent
18 located in Sunnyvale, California, commencing at
19 9:05 a.m., Tuesday, May 10, 2022, remotely reported
20 via Video & Web Videoconference before
21 REBECCA L. ROMANO, a Certified Shorthand
22 Reporter, Certified Court Reporter, Registered
23 Professional Reporter.

1 APPEARANCES OF COUNSEL

2 (All parties appearing via Web Videoconference)

3

4 For the Sonos, Inc:

5 LEE SULLIVAN SHEA & SMITH LLP

6 BY: RORY P. SHEA

7 BY: DAVID R. GROSBY

8 Attorneys at Law

9 656 Randolph Street

10 Floor 5W

11 Chicago, Illinois 60661

12 (312) 754-9602

13 shea@ls3ip.com

14 grosby@ls3ip.com

15

16 For the Google LLC:

17 QUINN EMANUEL URQUHART & SULLIVAN, LLP

18 BY: MARC L. KAPLAN

19 Attorney at Law

20 191 N. Wacker Drive

21 Suite 2700

22 Chicago, Illinois 60606

23 (312) 705-7400

24 marckaplan@quinnemanuel.com

25 // / / /

1 APPEARANCES (cont'd)

2 (All parties appearing via Web videoconference)

3

4

5 ALSO PRESENT:

6

David West, Videographer

7

Patrick Weston, Senior Litigation Counsel at
8 Google

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1 The court reporter may swear the witness 09:08:03

2 in and we will continue.

3 THE COURT REPORTER: Mr. MacKay, If you
4 could raise your right hand for me, please.

5 THE DEPONENT: (Complies.) 09:08:07

6 THE COURT REPORTER: You do solemnly
7 state, under penalty of perjury, that the testimony
8 you are about to give in this deposition shall be
9 the truth, the whole truth and nothing but the
10 truth? 09:08:07

11 THE DEPONENT: I do.

12

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15 09:08:07

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20 09:08:07

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25 09:08:07

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4 Q. What is a "speaker group" as Google uses
5 that term?

10:31:33

6 A. I would describe it as a set of devices
7 that appears as a castable -- as a Cast target.
8 And when casted to, they all play together --

9 A. -- specifically -- specifically audio.

10:32:03

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16 What do you mean by "appears as a Cast
17 target"?

18 A. So what I mean is that you can cast to
19 the group. So in -- if you're in a sender app, for
20 example, and you hit the Cast button, then the
21 group would show up as -- as a potential Cast
22 option.

10:32:36

23
24
25 10:33:06

1 Q. Okay. Now, are you familiar with a term, 10:40:19

2 "static group"?

3 A. Yes.

4 Q. What is a "static group"?

5 A. So that is a group that the user defines 10:40:39

6 using the Google Home app, I think, is the only

7 way. So they define a group, and then that group

8 becomes a castable target.

9 Q. And how does a "static group" compare to

10 what is referred to as a "speaker group" in

11 Exhibit 36?

12 [REDACTED] [REDACTED]

13 THE DEPONENT: Let me go back.

14 So a "static group" is what is being

15 referred to in -- in this document, "Create and

16 manage speaker groups," I think.

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 THE DEPONENT: Yeah, that's accurate.

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

10:42:11

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1

4 Q. Would it be fair to say that at that time
5 where a group has been created but not yet 12:24:30
6 launched, that the group exists in an unlaunched
7 state?

8 A. Yes.

9
10 Q. (By Mr. Shea) And -- and is another way 12:24:44
11 to think about that, that at the -- in the time
12 between when the group is created and when it is
13 launched, that the speaker group would be inactive?

14 [REDACTED].

15 THE DEPONENT: Yes, I think so. 12:25:06

16 [REDACTED]
17 [REDACTED] but just to clarify, you
18 agree that a speaker group is something that is
19 saved by a user in advance of being launched?

20 A. Well, again, the -- the group might never 12:25:31
21 be launched. Like you might never cast to the
22 group. So it's -- I would characterize it as -- a
23 static group is something that the user configures
24 and it's saved persistently.

25 Q. [REDACTED] and saved prior to any 12:25:48

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Let me start by asking, is there a

04:47:58

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 specific team or group at Google that's tasked with 04:48:03

2 performing testing of physical products to -- to

3 evaluate functionality on those products?

4 A. I don't think -- I would say -- I

5 wouldn't say that there's a Google-wide team. But 04:48:22

6 the Nest organization or -- we do have a manual QA

7 team for at least some Nest devices.

8 Q. Would that manual -- is one of the things

9 that that manual QA team does is test the speaker

10 group functionality of those Nest devices? 04:48:45

11 [REDACTED] [REDACTED] [REDACTED]

12 THE DEPONENT: Yes.

13 [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

04:49:40

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1 I, Rebecca L. Romano, a Registered
2 Professional Reporter, Certified Shorthand
3 Reporter, Certified Court Reporter, do hereby
4 certify:

5 That the foregoing proceedings were taken
6 before me remotely at the time and place herein set
7 forth; that any deponents in the foregoing
8 proceedings, prior to testifying, were administered
9 an oath; that a record of the proceedings was made
10 by me using machine shorthand which was thereafter
11 transcribed under my direction; that the foregoing
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the
14 original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [X] was [] was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name this 13th day of May, 2022.

22
23 

24 Rebecca L. Romano, RPR, CCR
25 CSR. No 12546

ERRATA SHEET

Case Names: *Google LLC v. Sonos, Inc.*
 Case No. 3:20-cv-06754-WHA

Sonos, Inc. v. Google LLC
 Case No. 3:21-cv-07559-WHA

Deposition Date: May 10, 2022

Deponent: Kenneth MacKay (30(b)(6))

I, Kenneth MacKay, do hereby certify that I read the foregoing transcript of my testimony taken on May 10, 2022, and further certify that it is a true and accurate record of my testimony, with the exception of the corrections listed below:

Page	Line	Now Reads	Should Read	Reason
30(b)(6)				
26	12	Numerate	Numerette	Transcription error
27	13	Numerate	Numerette	Transcription error
32	12	application manager ample	application_manager_impl	Transcription error
34	24	ruled	rolled	Transcription error
45	15	Corelan	Korlan	Transcription error
85	6	Joint	Join	Transcription error
122	13	Joint	Join	Transcription error
236	3	Receiver_name space handler.cc	receiver_namespace_handler.cc	Transcription error
30(b)(1)				
261	15	Tabus	Tavis	Transcription error
261	15	YoungJin	Byungchul	Transcription error

Dated: 2022-Jun-28

By: /s/ Kenneth MacKay
 Kenneth MacKay